

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

DENISE C. McCREARY,)	
)	
Petitioner,)	
v.)	Civil Action No. 3:13CV75-HEH
)	
UNITED STATES GOVERNMENT,)	
)	
Respondent.)	

MEMORANDUM OPINION
(Transferring 28 U.S.C. § 2241 Petition)

Denise C. McCreary, a federal prisoner, has submitted a petition under 28 U.S.C. § 2241 (“§ 2241 Petition.”). Respondent responded to the Petition and moved to dismiss (ECF No. 4) or transfer (ECF No. 5) the § 2241 Petition. Appropriate *Roseboro*¹ notice accompanied Respondent’s Motions. (ECF No. 7). For the reasons that follow, the Motion to Transfer will be granted.


“The purpose of the writ of habeas corpus is to free individuals from custody who are unlawfully detained.” *Kanai v. McHugh*, 638 F.3d 251, 255 (4th Cir. 2011). “A habeas petitioner who is physically confined must name [his or her] immediate custodian as the habeas respondent, and must file the habeas petition in the district of confinement. In that circumstance, the district of confinement necessarily is the location of both the habeas petitioner and the immediate custodian.” *Id.* (internal quotations marks and citation omitted).

¹ *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975).

In her § 2241 Petition, McCreary challenges the execution of her sentence. (§ 2241 Pet. (ECF No. 1) ¶¶ 5, 6(c), 13.) McCreary is currently confined in FCI–Danbury in Connecticut. Accordingly, the United States District Court for the District of Connecticut, rather than this Court, has jurisdiction to entertain McCreary’s § 2241 Petition. Given that McCreary already has paid the filing fee and has limited time left to serve before her release, (*see* ECF No. 1–1), the interests of justice warrant transferring the § 2241 Petition to the United States District Court for the District of Connecticut. *See United States v. Morgan*, 305 F. App’x 61, 62 (4th Cir. 2008). Accordingly, the Motion to Transfer (ECF No. 5) will be granted and the Clerk will transfer the action to the United States District Court for the District of Connecticut. The Motion to Dismiss (ECF No. 4) will be denied as moot.

An appropriate Order shall accompany this Memorandum Opinion.

Date: August 27, 2013
Richmond, Virginia

_____/s/
HENRY E. HUDSON
UNITED STATES DISTRICT JUDGE